

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**BRIAN ANGLE, II,**

**Plaintiff,**

**v.**

**CAPT. CARTER, et al.,**

**Defendants.**

**Civil Action No. 16-276 Erie**

**MEMORANDUM ORDER**

This prisoner civil rights action was received by the Clerk of Court on November 16, 2016 and was referred to the undersigned, then a United States Magistrate Judge, for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and the Local Rules for Magistrate Judges. On September 14, 2018, the undersigned was sworn in as a United States District Judge. Three days later, this action was transferred to the undersigned as the presiding district court judge. On September 27, 2018, the case was referred to United States Magistrate Judge Richard A. Lanzillo for all further pretrial proceedings.

On February 1, 2019, Judge Lanzillo issued a Magistrate Judge's Report and Recommendation ("R&R"), ECF No. [58], recommending that Defendants' Motion for Summary Judgment (ECF No. [45]) be granted in part and denied in part. Objections to the R&R were due on February 19, 2019 for unregistered ECF users. To date, no objections have been filed.

After *de novo* review of the Complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 28th day of February, 2019;

IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment, ECF No. [45], is GRANTED in part and DENIED in part as follows: the motion is GRANTED as to Plaintiff's First Amendment retaliation claim against Defendant Davis, and the motion is DENIED with respect to Plaintiff's Eighth Amendment "failure to protect" claim against Defendant Steed. The report and recommendation of Magistrate Judge Lanzillo, issued on February 1, 2019, ECF No. [58], is adopted as the opinion of this Court.

/s/ Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
United States District Judge

cc: Bryan Angle, II  
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The Honorable Richard A. Lanzillo  
United States Magistrate Judge